IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA ELKINS

AARON EDWARDS,

Plaintiff,

٧.

Civil Action No. 2:14-CV-17 (BAILEY)

JIM RUBENSTEIN, Commissioner; MARVIN C. PLUMLEY, Warden; ROBIN MILLER; NANCY STEVENS, Chaplain; and RANDY SHREVE, Unit Manager,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 44]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Seibert filed his R&R on January 20, 2016 [Doc. 44]. In that filing, the magistrate judge recommended that this Court deny and dismiss the plaintiff's § 1983 Complaint with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140,

150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo

review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v.

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91,

94 (4th Cir. 1984). Objections to Magistrate Judge Seibert's R&R were due within fourteen

(14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The

docket reflects service was accepted on January 22, 2016 [Doc. 45]. To date, no

objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the Report and

Recommendation [Doc. 44] should be, and is, hereby ORDERED ADOPTED for the

reasons more fully stated in the magistrate judge's report. The defendants' Motion for

Summary Judgment [Doc. 28] is GRANTED. As such, the plaintiff's § 1983 Complaint

[Doc. 1] is DENIED and DISMISSED WITH PREJUDICE. The Clerk is directed to enter

separate judgment in favor of the respondents. This matter is further ORDERED

STRICKEN from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and

to mail a copy to the pro se plaintiff.

DATED: February 9, 2016.

IN PRESTON BAILEY

ITED STATES DISTRICT JUDGE